

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TONYA CARSWELL,)
Plaintiff,)
)
v.)
)
) Civil Action No. 12-1611
UPMC/UPMC BRADDOCK HOSPITAL,)
JEAN DURIK, JASHARA CRAIG,)
KAREN O'MALLEY, MAUREEN)
SZEWCZYK, RANDI WEIR, HELENE)
BROWN,)
Defendants.)

ORDER

AND NOW, this 21st day of March, 2013, after plaintiff Tonya Carswell ("Plaintiff") filed an action in the above-captioned case, and after a motion to dismiss was submitted by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties fourteen days after being served with a copy to file written objection thereto, and after Plaintiff filed objections, which do not address the reasons for the dismissal of her claims set forth in the Report and Recommendation, and upon independent review of the Motion and the record, and upon consideration of the magistrate judge's Report and Recommendation [ECF No. 14], which is adopted as the opinion of this court,

IT IS HEREBY ORDERED that Plaintiff's Objections are OVERRULED;

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is granted in part and denied in part;

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is DENIED with respect to Count II for retaliation as it applies to Defendants UPMC/UPMC Braddock Hospital;

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is GRANTED as follows: Count I for discrimination under Title VII is dismissed without prejudice with respect to Defendants UPMC/UPMC Braddock and dismissed with prejudice with respect to Defendants Jean Durik, Jashara Craig, Karen O'Malley, Maureen Szewczyk, Randi Weir and Helene Brown ("Individual Defendants"); Count II for retaliation under Title VII is dismissed with prejudice with respect to the Individual Defendants; Count III for wrongful termination is dismissed with prejudice with respect to all Defendants; Count VI for wrongful denial of unemployment compensation is dismissed with prejudice with respect to all Defendants; Count V for intentional infliction of emotional distress is dismissed with prejudice with respect to all Defendants; and Count V for negligent infliction of emotional distress is dismissed with prejudice with respect to the Individual Defendants and dismissed without prejudice with respect to Defendants UPMC/UPMC Braddock.

IT IS FURTHER ORDERED that UPMC/UPMC Braddock, the remaining Defendants, are to file an answer to the retaliation claim, which is the only remaining claim in the complaint, by the 10th day of April, 2013.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge